

Town of Kittery Planning Board Meeting March 10, 2016

93 Picott Road – Right of Way Plan Review

Action: Accept or deny application; Approve or deny plan. Owner Herbert and Carolynn Marsh and applicant Graystone Builders, Inc. propose a Right-Of-Way to access two new lots located at 93 Picott Road (Tax Map 49 Lot 7) in the Residential-Rural (R-RL) Zone. Agent is Bill Anderson, Anderson Livingston Engineers.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Site Visit	At the Board's discretion	
YES	Determination of Completeness/Acceptance		Scheduled for 3/10/2016
NO	Public Hearing	At the Board's discretion	
YES	Preliminary/Final Plan Review and Approval		Feasible for 3/10/2016
<p>Applicant: Prior to the signing of the approved Plan any Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS. As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.</p>			

Background

Planning Board review of this project is required by 16.10.7.2.T Right-of-Way Plan. The existing use is a non-conforming single-family dwelling on a conforming lot. The existing dwelling does not meet the minimum front yard setback for the Residential-Rural (R-RL) zone.

The proposed development is to construct a 40-foot wide right-of-way to allow sufficient street frontage to two new lots to be located at the rear of the existing dwelling.

Staff Review

1. 16.3.2.1.B – Right-of-way (ROW) used to access single-family homes, which is a permitted use in the R-RL Zone. No special exception grant required.
2. Herbert and Carolynn Marsh have utilized the dwelling located at 93 Picott Road as their primary residence for a period of at least 5 years immediately preceding this application. They plan to retain one of the lots as a single-family residence for their own use. Therefore, per MRS 30-A § 4401.4.A(1), the planned land division is exempt from subdivision review.
3. 16.8.4.10 – ROW streets are to be rough-graded full width.
4. The proposed ROW would alter the classification of the existing dwelling to a corner lot condition per the 16.2.2 definition of Corner Lot. With the ROW as shown, the dwelling would be subject to the following:
 - a. The side yard, determined as the yard located between the principal building and the side street, may not be less than the front yard requirements. The minimum front yard in the R-RL zone is 40 feet. The proposed ROW creates a side yard of 23-feet and does not conform to zone standards.

- b. The rear yard, determined as the yard located between the principal building and the abutting property on the side street, may not be less than the side yard requirements. The minimum side yard in the R-RL zone is 20-feet. The proposed ROW meets this standard.
5. The plan depicts a cemetery on the lot, which requires a 25-foot setback for the ROW. The proposed ROW is 22-feet from the edge of the cemetery as depicted and may not conform to State statute. The applicant needs to confirm the bounds of the cemetery per Title 16.2.2 definition and clarify on the plan that there must not be any disturbance within 25-feet of the existing cemetery per MRS 13 § 1371-A.
6. The proposed ROW is 40-feet wide and is in conformance with zone standards as outlined in Table 1 – Chapter 16.8, Article IV
7. Two wetlands are located at the rear of the property. The proposed development will not impact either wetland and is outside of the required setbacks .
8. Per Title 16.8.4.3.I, the proposed ROW cannot be accepted by the Town as a public street.
9. The graphic scale on the plan depicts 1 inch = 40 feet. However the actual scale the plan is plotted at is 1 inch = 40 feet.
10. The applicant has provided a request to waiver Title 16.8.2, 16.10.5.2.C.6 and 16.10.5.2.C.7 with their application materials.

Title 16.10.8.3.4.S designates in a Right-of-Way plan (ROW), the proposed ROW may not create any nonconforming lots or buildings and could reasonably permit the right of passage for an automobile. In order to meet provisions of Title 16, Staff recommends the following alterations to the application:

1. Update the plan with the following revisions.
 - a. Depict proposed front yard setbacks for ROW
 - b. Depict front, side and rear yard setbacks for the existing dwelling and parcel.
 - c. Update graphic scale
2. Revise the proposed ROW so it conforms the dimensional standards of the R-RL zone with consideration of the corner lot as defined in Title 16.2.2.
3. Revise the proposed ROW so it conforms with setback requirements in regard to the cemetery, or provide plan note suggested in staff note #5.
4. Submit CMA review fee to Town.
5. Submit a Street Naming Application to Town
6. Confirm that the future lots will conform to code standards including lot size, street frontage and minimum land area per dwelling unit.
7. Prepare and submit a standard boundary survey

Recommendation

With the plan revisions and additional information listed above, the application meets the submittal criteria for a completed Right-of-Way application, as outlined in 16.10.7.2.T.1. Staff recommends the Board consider accepting the application as complete and determine the need for a public hearing.

Action

Suggested motions provided below.

Move to accept the Right-of-Way application dated February 18, 2016 from owner Herbert and Carolynn Marsh and applicant Graystone Builders, Inc. for a Right-Of-Way to access two new lots located at 93 Picott Road (Tax Map 49 Lot 7) in the Residential-Rural (R-RL) zone.

If the Board determines a public hearing is warranted, a suggested motion is provided below.

Move to schedule a public hearing for the Right-of-Way application dated February 18, 2016 from owner Herbert and Carolynn Marsh and applicant Graystone Builders, Inc for a Right-of-Way to access two new lots located at 93 Picott Road (Tax Map 49 Lot 7) in the Residential-Rural Zone for April 14, 2016.

If the Board determines a public hearing is not warranted, the Board may approve with conditions (suggestions provided in draft findings) and proceed to reading and voting on the Findings of Fact.

Move to grant approval with conditions for the Right-of Way application dated February 18, 2016 from owner Herbert and Carolynn Marsh and applicant Graystone Builders, Inc for a Right-of-Way to access two new lots located at 93 Picott Road (Tax Map 49 Lot 7) in the Residential-Rural zone upon the review and voting, in the affirmative, on the Findings of Fact...

<After an affirmative vote, proceed to reading and voting on Findings of Fact>

**KITTERY PLANNING BOARD
FINDINGS OF FACT -**

UNAPPROVED

**for
93 Picott Road
Right-of-Way Plan**

Note: This approval by the Planning Board constitutes an agreement between the Town and the Developer incorporating the Development plan and supporting documentation, the Findings of Fact, and all waivers and/or conditions approved and required by the Planning Board.

WHEREAS: Owner Herbert and Carolynn Marsh and applicant Graystone Builders, Inc. propose a Right-Of-Way to access two new lots located at 93 Picott Road (Tax Map 49 Lot 7) in the Residential-Rural (R-RL) Zone

Hereinafter the "Development".

Pursuant to the Plan Review meetings conducted by the Planning Board as duly noted in the Plan Review Notes dated 3/10/2016;

Determination of Completeness/Acceptance	Held	3/10/2016
Preliminary/Final Plan Review and Approval	Held	3/10/2016

and pursuant to the Project Application and Plan and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following and as noted in the Plan Review Notes dated 3/10/2016 (Hereinafter the "Plan").

1. Application: Right-of-Way Plan Review, received 2/18/2016
2. Purchase and sale agreement, received 2/18/2016
3. Warranty deed, received 2/18/2016
4. Web soil survey, National Resources Conservation Service, dated 5/3/2012
5. Drainage Analysis, Anderson Livingston Engineers, Inc., dated 2/16/2016
6. Traffic Analysis, Anderson Livingston Engineers, Inc, dated 2/12/2016
7. Proposed Right-of-Way Plan, Anderson Livingston Engineers, Inc, dated 1/25/2016
8. Road Construction Plan, Anderson Livingston Engineers, Inc, dated 1/26/2016

NOW THEREFORE, based on the entire record before the Planning Board as and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings as required by **Section 16.10.8.3.4. and as recorded below:**

FINDINGS OF FACT

Action by the board shall be based upon findings of fact which certify or waive compliance with all the required standards of this title, and which certify that the development satisfies the following requirements:

A. Development Conforms to Local Ordinances.

The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

The proposed Right-of-Way meets the design and performance standards in Title 16.8 and does not create or increase any nonconformances to the lot. The Board finds this requirement to be met.

Vote of __ in favor __ against __ abstaining
B. Freshwater Wetlands Identified.
<i>All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.</i>
Two wetlands are located at the rear of the lot. Wetland setbacks are depicted on the final plan and no development is proposed within the setbacks. The Board finds this requirement to be met.
Vote of __ in favor __ against __ abstaining
C. River, Stream or Brook Identified.
<i>Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in 38 M.R.S. §480-B, Subsection 9.</i>
None have been identified. The Board finds this standard is not applicable.
Vote of __ in favor __ against __ abstaining
D. Water Supply Sufficient. {and}
<i>The proposed development has sufficient water available for the reasonably foreseeable needs of the development.</i>
E. Municipal Water Supply Available.
<i>The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.</i>
The proposed development does not cause a burden on water supply. The Board finds this standard is not applicable.
Vote of __ in favor __ against __ abstaining
F. Sewage Disposal Adequate.
<i>The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.</i>
The proposed development does not connect to sewer. The Board finds this standard is not applicable.
Vote of __ in favor __ against __ abstaining
G. Municipal Solid Waste Disposal Available.
<i>The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.</i>
The proposed development will not produce an increase in solid waste. The Board finds this standard is not applicable.
Vote of __ in favor __ against __ abstaining
H. Water Body Quality and Shoreline Protected.

Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

The development is not within the setback any regulated (non-forested) wetland located on the lot. The Board finds this standard to be met.

Vote of __ in favor__ against __ abstaining

I. Groundwater Protected.

The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

The proposed development will not adversely affect the quality or quantity of groundwater. The Board finds this standard has been met.

Vote of __ in favor__ against __ abstaining

J. Flood Areas Identified and Development Conditioned.

All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.

The property is not located within a flood prone area. The Board finds this standard is not applicable.

Vote of __ in favor__ against __ abstaining

K. Stormwater Managed.

Stormwater Managed. The proposed development will provide for adequate stormwater management

With consideration of CMA, town peer-review engineer comments in their 3/3/16 letter and plan revisions made and additional information submitted for CMA to review and approve, the proposed development conforms to Title 16.8.8 Surface Drainage and will provide for adequate stormwater management.

The Board finds this standard has been met with consideration of condition of approval #5.

Vote of __ in favor__ against __ abstaining

L. Erosion Controlled.

The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

The Contractor shall follow MDEP best management practices for erosion and sediment control and address comments from peer-review engineer. (see conditions of approval #2 and #5).

The proposed development conforms to Title 16.8.8 Surface Drainage and will provide for adequate erosion and sediment control measures on site. The Board finds this standard has been met with condition of approval #2 and #5.

Vote of <u> </u> in favor <u> </u> against <u> </u> abstaining
M. Traffic Managed.
<p><i>The proposed development will:</i></p> <ol style="list-style-type: none"> 1. <i>Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and</i> 2. <i>Provide adequate traffic circulation, both on-site and off-site.</i>
The projected average daily traffic generation for the proposed development is 30 trips and does not meet the threshold for a full traffic study. The proposed development is a two-way street and provides adequate traffic circulation.
The proposed development conforms to Title 16.8.9 Parking, Loading and Traffic and will provide for adequate traffic circulation. The Board finds this standard has been met.
Vote of <u> </u> in favor <u> </u> against <u> </u> abstaining
N. Water and Air Pollution Minimized.
<p><i>The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:</i></p> <ol style="list-style-type: none"> 1. <i>Elevation of the land above sea level and its relation to the floodplains;</i> 2. <i>Nature of soils and sub-soils and their ability to adequately support waste disposal;</i> 3. <i>Slope of the land and its effect on effluents;</i> 4. <i>Availability of streams for disposal of effluents;</i> 5. <i>Applicable state and local health and water resource rules and regulations; and</i> 6. <i>Safe transportation, disposal and storage of hazardous materials.</i>
<p>1. The development is located outside of a Flood Hazard Area.</p> <p>2 thru 6. Not applicable to the proposed development.</p>
It does not appear the proposed development will result in undue water or air pollution The Board finds this standard has been met.
Vote of <u> </u> in favor <u> </u> against <u> </u> abstaining
O. Aesthetic, Cultural and Natural Values Protected.
<p><i>The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.</i></p>
There is no significant change proposed in the use of the property that would have an undue adverse impact on aesthetic, cultural or natural values.
The property does not include any significant aesthetic, cultural or natural values that require protection. The Board finds this standard has been met.
Vote of <u> </u> in favor <u> </u> against <u> </u> abstaining
P. Developer Financially and Technically Capable.
Developer is financially and technically capable to meet the standards of this section.

The applicant is a developer who has constructed similar projects in the past. A performance guaranty must be provided.

The Board finds this standard has been met.

Vote of __ in favor __ against __ abstaining

S. For a Right-of-Way Plan

The proposed ROW

1. Does not create any nonconforming lots or buildings; and
2. Could reasonably permit the right of passage for an automobile

The proposed development does not create or increase any nonconforming lots or buildings and complies with Title 16 standards with consideration of condition of approval #5

Vote of __ in favor __ against __ abstaining

NOW THEREFORE the Kittery Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines the proposed Development will have no significant detrimental impact, and the Kittery Planning Board hereby grants final approval for the Development at the above referenced property, including any waivers granted or conditions as noted.

Waivers: (to be depicted on the final plan):

1. Monuments - Section 16.8.2
 - a. Waiver to allow the road monuments to be iron pipes instead of stone monuments as a more cost effective boundary marker due to the size and scope of the project
2. Submission materials, Erosion and sedimentation control plan – Section 16.10.5.2.C.6
 - a. York County Soil and Water Conservation District review is not warranted Review completed by CMA Engineers.
3. Submission materials, stormwater management preliminary plan – Section 16.10.5.2.C.7
 - a. Applicant submitted sufficient drainage report with application.

Conditions of Approval (to be depicted on the final plan):

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
4. All Notices to Applicant contained in the Findings of Fact (dated: March 10, 2016).

Conditions of Approval (Not to be depicted on the final plan):

5. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board, or Peer Review Engineer, and submit for Staff review prior to presentation of final Mylar.

Notices to Applicant: (not to be depicted on the final plan)

1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with review, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
2. State law requires all subdivision and shoreland development plans, and any plans receiving waivers or variances, be recorded at the York County Registry of Deeds within 90 days of the final approval.
3. One (1) mylar copy and one (1) paper copy of the final plan (recorded plan if applicable) and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department. Date of Planning Board approval shall be included on the final plan in the Signature Block.
4. The owner and/or developer, in an amount and form acceptable to the town manager, must file with the municipal treasurer an instrument to cover the cost of all infrastructure and right-of-way improvements and site erosion and stormwater stabilization, including inspection fees for same.
5. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

The Planning Board authorizes the Planning Board Chairperson to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of __ in favor__ against __ abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON March 10, 2016

Ann Grinnell, Planning Board Chair

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.



March 3, 2016

Chris DiMatteo, Town Planner
Town of Kittery
P.O. Box 808
Kittery, Maine 03904

CMA ENGINEERS, INC.

CIVIL/ENVIRONMENTAL ENGINEERS

35 Bow Street
Portsmouth, New Hampshire
03801-3819

Phone: 603/431-6196
Fax: 603/431-5376

**RE: Town of Kittery, Planning Board Services
Plan of Proposed Right of Way for Graystone Builders: Tax Map 49, Lot 7
CMA #591.91**

Dear Chris:

CMA Engineers has received the following information for Assignment #91 regarding the proposed ROW subdivision on at 93 Picott Road in Kittery(Tax Map 49, Lot 7).

- 1) Plan of Proposed Private Right of Way for Graystone Builders, Inc. 93 Picott Road Kittery, Maine prepared by Anderson Livingston Engineers, Inc. of York, ME dated October 20, 2014.
- 2) Private Right Of Way Application for Graystone Builders Kittery, ME prepared by Anderson Livingston Engineers, Inc. of York, ME dated February 16, 2016.
- 3) Drainage Analysis Private Right of Way Application for Graystone Builders Kittery, ME prepared by Anderson Livingston Engineers, Inc. of York, ME dated February 16, 2016.
- 4) Traffic Analysis for Graystone Builders Proposed Private Way Kittery, ME prepared by Anderson Livingston Engineers, Inc. of York, ME dated February 12, 2016
- 5) Request for waivers prepared by Anderson Livingston Engineers, Inc. of York, ME dated February 12, 2016

We have reviewed the information submitted for conformance with the Kittery Land Use and Development Code (LUDC) and general engineering practices, and offer the comments below that correspond directly to the Town's Ordinances. This review is of a preliminary submittal per 16.10.5.

General

The project includes construction of a private right-of-way on a 6.2 acre lot at 93 Picott Road in Kittery. The owner wants to subdivide the land but requires frontage to do so and is using the proposed right-of-way to obtain the required frontage. No direct impacts of proposed construction are proposed in wetlands, or within specified wetlands buffers/setbacks. Four existing buildings exist on the lot (one is proposed to be removed for right-of-way construction). These buildings and associated areas are proposed as one of the five lots of the subdivision.

A right-of-way (ROW) is proposed, with a “hammer-head” turn-around. Driveway access to the existing property will be off of Picott Road.

The application references a future subdivision. The details of this subdivision have not been submitted as part of this right-of-way application, and have not been evaluated.

16.2 Definitions

16.2.2 Definitions

The right of way is described as being necessary for the required frontage for the subdivision of the lot. The construction of the proposed right of way creates a corner lot out of the existing property (and potentially a second corner lot under the subdivision). In the Ordinance a corner lot has the following definition:

Corner Lot. In zones where yards are required:

Such corner lots, located at the intersection of two streets, are deemed to have a side rather than a front yard between the principal building and the side street. Such side yard may not be less than the front yard requirements of uses located on the side street.

The existing property would become a corner lot with the construction of the right of way and would not meet the side yard requirements to existing structures.

The proposed lots under the subdivision are not shown on the plan. Depending on the location of the lots in the subdivision it is possible that another corner lot could be formed and would need to meet the side yard requirement.

16.3 Land Use Zone Regulations

Article II. Zone Definitions, Uses, Standards

16.3.2.1 Residential-Rural (R-RL)

The Applicant has indicated that future subdivision of the property is planned. The right of way application does not show the location of the proposed lots. Without showing the proposed lot lines it is not possible to determine conformance with the dimensional requirements of the zone.

16.8 Design and Performance Standards-Built Environment

Article II. Monuments

16.8.2.1 Stone Monuments

Applicant has requested a waiver for providing stone monuments, due to the size of the project and project costs. The costs of stone monuments is relatively small. *Planning Board decision.*

Article III. Street Signage

Applicant should provide the proposed name of the right of way and the proposed street name sign for approval by the Planning Board and Commissioner of Public Works, respectively.

Article IV. Streets and Pedestrian Ways

16.8.4.3 Street Classification

The private right of way would be classified as a Class I Private Street under Table 1.

Street Width Design:

c. Sidewalk/Pedestrian way- a 5' sidewalk/pedestrian way is required, none are shown on the plans.

The Planning Board may determine with applicant sidewalk material requirements (i.e.: paved, gravel, curbing).

The slope of the tie in at the end of the hammerhead with the existing grade appears excessively steep. The applicant should label the grade and consider alternatives to minimize this tie in grade.

Sight Distance and Traffic Study

It is presumed that a traffic study is not warranted for this proposed private right-of-way. *The applicant should confirm what the sight distances are, and whether any actions are necessary to increase or maintain sight distance(s).*

Article VI. Water Supply

No information has been provided on the future proposed subdivision or the water supply. There is an existing water main that crosses the property in an easement. Is water service available? Water service details should be provided.

Article VII. Sewage Disposal

The Applicant has indicated that test pits have confirmed soils sufficient for septic system for the proposed lots. The test pit locations are not shown on the plans and the results are not provided.

Article VIII. Surface Drainage

The applicant has presented a Drainage Analysis for the project. This analysis is not stamped by a Maine licensed civil engineer and should be. The plan does not include a discussion of drainage areas, time of concentration or stormwater flow paths nor does it demonstrate pre and post construction stormwater flows. The applicant states that there is insignificant impacts of the new roadway, but offers little back-up for this statement. Construction of the private right of way will change stormwater flow patterns. The Applicant should address these issues in a more complete stormwater management plan.

There is a detail for a culvert end slope treatment but the location of the culvert is not indicated on the plans.

The Applicant has requested a waiver of the requirement for the York County Soil and Water Conservation Review per 16.8.8.8.1 D.e. If the Applicant addresses the issues described above, it may be appropriate for the Planning Board to grant this waiver.

The Applicant has also requested a waiver from submitting a "complex stormwater management plan" citing the size of the future subdivision. Construction of the private right-of-way and future

construction of houses and driveways increases the impervious areas, increases runoff and may increase peak run-off. A more complete stormwater management report would address these issues.

16.9 Design and Performance Standards-Natural Environment

16.9.1.4 Soil Suitability

B. A subdivision requires a high intensity soil survey. The stormwater management study indicates that a soil survey was completed previously. The Applicant should provide the High Intensity Soil Study for review, if subdivision applies specifically or in concept due to divided land.

16.9.2.5 Archaeological or Historic Sites

Has it been confirmed that there are no features on the site that are jurisdictional?

Table 16.9

The proposed development does not directly impact wetlands, however there is apparently an existing stream crossing on the gravel road to Parcels A and I. Improvements to the driveway are likely required, and would involve wetlands impacts?

The required setbacks to other wetlands are proposed as required.

General

The details include a culvert. The location of the culvert is not shown on the plan.

Should you have any questions, please do not hesitate to call.

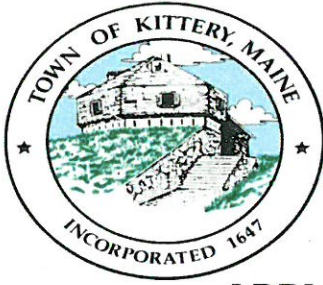
Very truly yours,

CMA ENGINEERS, INC.



Jodie Bray Strickland, P.E.
Project Engineer

cc: William Anderson, Anderson Livingston Engineers, Inc.



TOWN OF KITTERY MAINE

TOWN PLANNING DEPARTMENT

200 Rogers Road, Kittery, Maine 03904

PHONE: (207) 475-1323

Fax: (207) 439-6806

www.kittery.org

Recpt# 412561

APPLICATION: RIGHT-OF WAY PLAN REVIEW

(APPLICABLE FOR A SINGLE LOT)

FEE FOR REVIEW		<input type="checkbox"/> \$300.00		Amount Paid: \$		Date:				
PROPERTY DESCRIPTION	Parcel ID	Map	49	Lot	7	Zone(S): Base Overlay MS4	R-RL YES <input checked="" type="checkbox"/> NO	Total Land Area	6.1934 AC.	
	Physical Address	93 PICOTT ROAD								
PROPERTY OWNER'S INFORMATION	Name	GRAYSTONE BUILDERS INC. (UNDER CONTRACT)					Mailing Address	764 U.S. ROUTE 1, SUITE 11 YORK, ME, 03909		
	Phone									
	Fax									
	Email	lvtossh2@yahoo.com								
APPLICANT'S AGENT INFORMATION	Name	BILL ANDERSON					Mailing Address	ANDERSON LIVINGSTON ENGINEERS 281 YORK ST. YORK, ME 03909		
	Phone	(207) 363-4414								
	Fax	(207) 363-3909								
	Email	aleinc@maine.rr.com								
DESCRIPTION	Existing Conditions: THE CURRENT OWNER HAS LIVED ON THE PROPERTY FOR MANY YEARS AND WILL BE SELLING ALL OF THE PROPERTY TO GRAYSTONE BUILDERS.									
	Proposed legal and physical changes: (Documents for dedication of the ROW, maintenance agreements, riders to deeds, grading, drainage and pavement, etc.)									
	THE PROPERTY WILL BE SOLD IN SEPARATE LOTS, IN ORDER TO MEET THE TOWN ROAD FRONTAGE REQUIREMENTS A CLASS I PRIVATE ROAD WILL NEED TO BE CONSTRUCTED. DOCUMENTS ARE BEING PREPARED TO COORDINATE MAINTENANCE OF THE ROAD BY THE LOT OWNERS									
I certify that, to the best of my knowledge, the information provided in this application is true and correct and will not deviate from the Plan submitted without notifying the Kittery Town Planning Department of any changes.										
Applicant's Signature:							Owner's Signature:			
Date:							Date:			

Minimum Submission Requirements

☐ 15 COPIES OF THE RIGHT OF PLAN – 5 OF WHICH MUST BE 24" X 36"

PRIOR TO COMMENCEMENT OF THE REVIEW PROCESS, THE PLANNING BOARD WILL DECIDE WHETHER SUFFICIENT INFORMATION HAS BEEN PROVIDED AND WILL VOTE TO DETERMINE COMPLETENESS/ACCEPTANCE. See Section 16.10.5.2

THE APPLICATN IS RESPONSIBLE TO CLEARLY DESCRIBE THE PROJECT.

- A) Paper size:
 - ☐ No less than 11" X 17" (reduced) or greater than 24" X 36" (full).
- B) Scale size:
 - ☐ Under 10 acres: no greater than 1" = 30'
 - ☐ 10 + acres: 1" = 50'
- C) Title block:
 - ☐ Applicant's name and address
 - ☐ Name of preparer of plans with professional information and professional seal
 - ☐ Parcel's tax map identification (map – lot)
 - ☐ Date of plan preparation
- D) Survey performed and sealed by licensed surveyor:
 - ☐ Identify all existing property/R.O.W. markers
 - ☐ Show all proposed boundary monuments (per ordinance)
- E) Provide orientation:
 - ☐ Arrow showing true north and magnetic declination
 - ☐ Graphic scale ☐ Signature block
- F) The right of way plans must include:
 - ☐ Size of the parcel minus the area in the R.O.W.
 - ☐ Area of R.O.W. ☐ Length of lot frontage;
 - ☐ Zoning and zone boundaries ☐ Front yard setbacks
 - ☐ Deed docket and page numbers ☐ Intersecting lot lines
 - ☐ Existing topography ☐ Horizontal alignment
 - ☐ Vertical profile (existing ground and proposed grades)
 - ☐ Sidewalks ☐ Watercourses ☐ forest cover
 - ☐ Ledge outcroppings ☐ Proposed areas of blasting
 - ☐ Utilities (above and below ground)
 - ☐ Above ground utilities (poles) that may be relocated
 - ☐ Storm drainage systems and structures
 - ☐ Parks ☐ Open space ☐ Conservation easements
 - ☐ The location of all natural features or site elements to be preserved.
- G) Show and locate on the plans the names and addresses of all owners of record of contiguous property, including those across the street. WITH THE FIRST SUBMITTAL, PROVIDE 2 SETS OF MAILING LABELS.
- H) Provide sufficient information to identify and locate each interior lot line, right of way lines, and street alignments.
 - ☐ curve geometry ☐ bearings and distances ☐ widths

- I) Show the location and description of all structures, including:
 - ☐ existing and proposed signage
 - ☐ details of all structures and accesses located within one hundred (100) feet of the property line.
- J) The detail sheet must show:
 - ☐ Structural pavement sections ☐ Erosion control detail
 - ☐ Roadway cross sections ☐ Trenching details
 - ☐ Sufficient detail(s) to clarify construction
- K) The completed application requires the following legal documents:
 - ☐ Revised deeds for the parcel and the R.O.W.
 - ☐ A maintenance agreement for R.O.W. as a rider to the deed.
 - ☐ Letters of approval from utility companies and town staff
- L) The following supporting documentation:
 - ☐ Copy of documents showing owner's legal interest
 - ☐ Copy of any existing or proposed property encumbrances
 - ☐ Erosion control plan and sedimentation endorsed by York County Soil and Water District
 - ☐ A plan for stormwater management prepared by a registered professional engineer
 - ☐ A copy of the soil survey (specific to this project area) for York County Where the soil survey shows soils with severe restrictions for development, a high intensity Class A soil survey must be submitted
- M) An estimate of the amount and type of vehicular traffic on a daily basis and during peak hours. Where it is anticipated that four hundred (400) vehicle trips per day or more, a traffic impact analysis must be conducted in accordance with section 16.10.5.2.D.1.
- N) Additional Requirements. In its consideration of an application/plan, the Board may at any point in during the review, require the applicant to submit additional materials, studies, analyses, and agreement proposals as it may deem necessary for complete understanding of the application. Such materials may include those listed below.
 - ☐ Fiscal Impact Analysis. An analysis of the relationship of the revenues to the town from the development and the costs of additional publicly funded resources;
 - ☐ Traffic Impact Study (see Section 16.10.5.2.D.1)

NOTE TO APPLICANT: THE PLANNING BOARD MAY CHOOSE TO CONDUCT A SITE WALK. PRIOR TO THE SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND APPRAISE THE LAYOUT OF DEVELOPMENT.

SUBMITTALS THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.

ABUTTERS LIST

<u>MAP/LOT NO.</u>	<u>ABUTTER</u>	<u>DEED BK./PG.</u>	<u>ADDRESS</u>
49-05	Trevor J. & Lori A. Thayer	4975/71	83 Picott Road Kittery, ME 03904
49-05A	Beverly J. Canoni	15326/718	87 Picott Road Kittery, ME 03904
49-05B	David A. & Linda E. Ayer	10190/330	400 Brixham Road Eliot, ME
49-06	James K. Ayer	6807/342	86 Picott Road Kittery, ME 03904
49-07	Marsh Family Revocable Trust	15839/12	93 Picott Road Kittery, ME 03904
60-2	Jodie L. & James R. Nielsen	12855/135	10 Ella Woods Drive Kittery, ME 03904
60-3	Heirs of Joseph Koslowski	13495/284	25 Cutts Road Kittery, ME 03904

File No. 6703
February 16, 2016

**PRIVATE RIGHT OF WAY APPLICATION
for Graystone Builders
Kittery, Maine**

Project Description:

The subject site is a 6.1934 acre parcel of land on Picott Road in the Town of Kittery. Herbert and Carolynn Marsh have resided on the property for over 5 years and would like to divide off two new lots which will be conveyed to Graystone Builders. As the lot does not have sufficient road frontage to do this, they would like to construct a private way to create the necessary frontage. The entrance location was sited to create more than adequate site distances and all of the Town's dimensional requirements for a private way are met as shown on the attached plans.

Existing Site Conditions:

The site is currently almost entirely open field except for the wetland at the rear of the site. A wetlands delineation was completed on site by Kenneth Gardner, C.S.S. #61. The contours slope gently down away from Picott Road draining stormwater towards the large wetland at the rear of the parcel. Based on the SCS soil mapping the wetland is in Scantic silty loam soils and area where the road and house sites will be located is on Marlow and Skerry fine sandy loam. There is limited contour information for the site with the Town GIS mapping showing only a 40 elevation contour line crossing the site in a couple of areas indicating the site is relatively flat in the east-west with the direction of flow of stormwater flowing northerly across moderately sloping land to the large wetland.

Proposed Project:

The proposed road will be constructed entirely in the field and except for one tree at the intersection with Picott Road, no trees will need to be cut. The proposed road will not require any wetland crossings or fill. The existing drainage pattern will be maintained with a uniform flow across the moderately sloping land to the wetland without disturbing any abutting parcels. There will be undisturbed buffer areas at the lower edge of the house lots which will help maintain the water quality going into the wetlands. With the addition of a gravel road and the large house sites there should be no measurable impact to any downstream properties. The same Soil Scientist who completed the wetland mapping has dug a number of test pits to confirm there is sufficient soil to support septic systems for the proposed lots.

PURCHASE AND SALE AGREEMENT

("days" means business days unless otherwise noted, see paragraph 23)

Offer Date

Effective Date is defined in Paragraph 23 of this Agreement.

Effective Date

1. PARTIES: This Agreement is made between GRAYSTONE BUILDERS Inc

("Buyer") and

MARSH FAMILY IRREVOCABLE TRUST

("Seller").

2. DESCRIPTION: Subject to the terms and conditions hereinafter set forth, Seller agrees to sell and Buyer agrees to buy (☒ all ☐ part of; if "part of" see para. 26 for explanation) the property situated in municipality of KITTERY County of YORK, State of Maine, located at 93 PICOTT ROAD and described in deed(s) recorded at said County's Registry of Deeds Book(s) 16729, Page(s) 837 839

3. FIXTURES: The Buyer and Seller agree that all fixtures, including but not limited to existing storm and screen windows, shades and/or blinds, shutters, curtain rods, built-in appliances, heating sources/systems including gas and/or kerosene-fired heaters and wood/pellet stoves, sump pump, electrical fixtures, and N/A are included with the sale except for the following: N/A

Seller represents that all mechanical components of fixtures will be operational at the time of closing except AS IS

4. PERSONAL PROPERTY: The following items of personal property as viewed on October 6, 2015 are included with the sale at no additional cost, in "as is" condition with no warranties: N/A

5. PURCHASE PRICE/EARNEST MONEY: For such Deed and conveyance Buyer agrees to pay the total purchase price of . Buyer ☐ has delivered; or ☒ will deliver to the Agency within 5 days of the Effective Date, a deposit of earnest money in the amount \$. Buyer agrees that an additional deposit of earnest money in the amount of \$ N/A will be delivered N/A. If Buyer fails to deliver the initial or additional deposit in compliance with the above terms Seller may terminate this Agreement. This right to terminate ends once Buyer has delivered said deposit(s). The remainder of the purchase price shall be paid by wire, certified, cashier's or trust account check upon delivery of the Deed.

This Purchase and Sale Agreement is subject to the following conditions:

6. ESCROW AGENT/ACCEPTANCE: N/A ("Agency") shall hold said earnest money and act as escrow agent until closing; this offer shall be valid until October 18, 2015 (date) 4:00 ☐ AM ☒ PM; and, in the event of non-acceptance, this earnest money shall be returned promptly to Buyer.

7. TITLE AND CLOSING: A deed, conveying good and merchantable title in accordance with the Standards of Title adopted by the Maine Bar Association shall be delivered to Buyer and this transaction shall be closed and Buyer shall pay the balance due and execute all necessary papers on July 29, 2016 (closing date) or before, if agreed in writing by both parties. If Seller is unable to convey in accordance with the provisions of this paragraph, then Seller shall have a reasonable time period, not to exceed 30 calendar days, from the time Seller is notified of the defect, unless otherwise agreed to in writing by both Buyer and Seller, to remedy the title. Seller hereby agrees to make a good-faith effort to cure any title defect during such period. If, at the later of the closing date set forth above or the expiration of such reasonable time period, Seller is unable to remedy the title, Buyer may close and accept the deed with the title defect or this Agreement shall become null and void in which case the parties shall be relieved of any further obligations hereunder and any earnest money shall be returned to the Buyer.

8. DEED: The property shall be conveyed by a FIDUCIARY deed, and shall be free and clear of all encumbrances except covenants, conditions, easements and restrictions of record which do not materially and adversely affect the continued current use of the property.

9. POSSESSION, OCCUPANCY, AND CONDITION: Unless otherwise agreed in writing, possession and occupancy of premises, free of tenants and occupants, shall be given to Buyer immediately at closing. Said premises shall then be broom clean, free of all possessions and debris, and in substantially the same condition as at present, excepting reasonable use and wear. Buyer shall have the right to view the property within 24 hours prior to closing.

10. RISK OF LOSS, DAMAGE, DESTRUCTION AND INSURANCE: Prior to closing, risk of loss, damage, or destruction of premises shall be assumed solely by the Seller. Seller shall keep the premises insured against fire and other extended casualty risks prior to closing. If the premises are damaged or destroyed prior to closing, Buyer may either terminate this Agreement and be refunded the earnest money, or close this transaction and accept the premises "as-is" together with an assignment of the insurance proceeds relating thereto.

Page 1 of 4 - P&S

Buyer(s) Initials

Seller(s) Initials

27. GENERAL PROVISIONS:

- A copy of this Agreement is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, contact an attorney. This is a Maine contract and shall be construed according to the laws of Maine.
- Seller acknowledges that State of Maine law requires buyers of property owned by non-resident sellers to withhold a prepayment of capital gains tax unless a waiver has been obtained by Seller from the State of Maine Revenue Services.
- Buyer and Seller acknowledge that under Maine law payment of property taxes is the legal responsibility of the person who owns the property on April 1, even if the property is sold before payment is due. If any part of the taxes is not paid when due, the lien will be filed in the name of the owner as of April 1 which could have a negative impact on their credit rating. Buyer and Seller shall agree at closing on their respective obligations regarding actual payment of taxes after closing. Buyer and Seller should make sure they understand their obligations agreed to at closing and what may happen if taxes are not paid as agreed.
- Buyer acknowledges that Maine law requires continuing interest in the property and any back up offers to be communicated by the listing agent to the Seller.
- Whenever this Agreement provides for earnest money to be returned or released, agency acting as escrow agent must comply with the Maine Real Estate Commission rules which may require written notices or obtaining written releases from both parties.

Buyer's Mailing address is 764 US ROUTE 1 SUITE 11, YORK, ME 03909

[Signature] 10/17/15 [Stamp]
 BUYER DATE BUYER DATE
 GRAYSTONE BUILDERS Inc

Seller accepts the offer and agrees to deliver the above-described property at the price and upon the terms and conditions set forth and agrees to pay agency a commission for services as specified in the listing agreement.

Seller's Mailing address is 93 PICOTT ROAD, KITTERY, ME 03904

[Signature] 10/17/15
 SELLER DATE SELLER DATE
 MARSH FAMILY IRREVOCABLE TRUST

COUNTER-OFFER

Seller agrees to sell on the terms and conditions as detailed herein with the following changes and/or conditions:

The parties acknowledge that until signed by Buyer, Seller's signature constitutes only an offer to sell on the above terms and the offer will expire unless accepted by Buyer's signature with communication of such signature to Seller by (date) _____ (time) _____ AM _____ PM.

SELLER DATE SELLER DATE

The Buyer hereby accepts the counter offer set forth above.

BUYER DATE BUYER DATE

EXTENSION

The closing date of this Agreement is extended until _____ DATE

SELLER DATE SELLER DATE

BUYER DATE BUYER DATE



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Page 4 of 4 - P&S

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WARRANTY DEED

NO R.E. TRANSFER TAX PAID

KNOW ALL MEN BY THESE PRESENTS, that We, **Herbert A. Marsh and Carolynn K. Marsh**, a married couple, presently having an address of 93 Picott Road, Town of Kittery, County of York and State of Maine 03904, for consideration paid, grant to **Herbert A. Marsh and Carolynn K. Marsh, as Trustees of The Marsh Family Revocable Trust**, a Maine Revocable Ttrust established pursuant to a Revocable Trust Agreement dated March 24, 2010, by and between Herbert A. Marsh and Carolynn K. Marsh, as Grantors and as Trustees, and having an address of 93 Picott Road, Town of Kittery, County of York and State of Maine 03904, all our right, title, and interest in and to the following, with Warranty Covenants:

A certain lot or parcel of land with the buildings thereon situated Kittery, County of York and State of Maine and being more particularly described as follows:

BEGINNING at a point on the Northerly side of Picott Road at the corner of land now or formerly of one Koslowski at the remains of a wall; and point of beginning being fifty two (52) feet, more or less, Southeasterly from the Southeasterly corner of the house on the premises herein conveyed and sixty six (66) feet, more or less, Southeasterly from the Northeasterly corner of said house; thence turning and running in a generally Northerly direction by land now or formerly of Koslowski along the remains of a wall and by a fence, said line passing twenty nine (29) feet, more or less, Easterly from the Easterly face of the barn of the premises herein conveyed to land now or formerly of Millard Chick or owner unknown; thence turning and running in a generally Westerly direction to land in former deeds described as property of Ethel Hayes, now of owner unknown; thence turning and running in a generally Southerly direction by said last mentioned land and along a course which is part of the way, at least, marked by the remains of an old fence to a point on the Northerly sideline of the Picott Road which is two hundred (200) feet, more or less, Westerly as measured along the Northerly sideline of said Road from the point of beginning; thence turning and running in a generally Easterly direction by the Northerly sideline of said Road, two hundred (200) feet, more or less, to the place of beginning.

ALSO, another certain lot or parcel of land with any buildings thereon situate in said Kittery, bounded and described as follows:

BEGINNING on Picott Road at a line of land hereinabove described: thence Northerly by said first described line of land as the wall runs, two hundred ninety (290) feet, three (3) inches, to a pipe hub in the line of the wall; thence Easterly by land now or formerly of the heirs of Joseph Koslowski, one hundred fifty (150) feet, to a hub; thence Southerly by other land now or formerly of said Koslowski, two hundred ninety (290) feet, three inches to said Picott Road; thence Westerly by said Road, one hundred fifty (150) feet, to the place of beginning.

BEING the same premises conveyed to the Grantors by deed of Conrad D. Rollins, dated December 17, 1976 and recorded in the York County Registry of Deeds at Book 2163, Page 471.

Grantors reserve all rights of homestead.

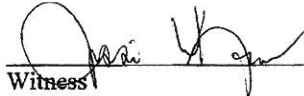
The grant herein is a non-contractual transfer to a revocable trust for estate planning purposes.

This deed was prepared with information supplied by the Grantor herein and no effort to confirm current ownership or independent title examination has been conducted.

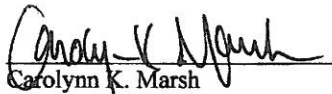
WITNESS our hands this 24th day of March, 2010.


Witness


Herbert A. Marsh


Witness

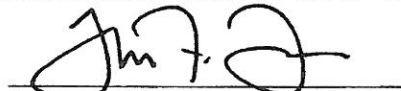

Witness


Carolynn K. Marsh


Witness

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

Personally appeared the above named Herbert A. Marsh and Carolyn K. Marsh and acknowledged the foregoing to be their free act and deed. Before me this 24th day of March, 2010.


Justice of the Peace/Notary Public
My Commission Expires:

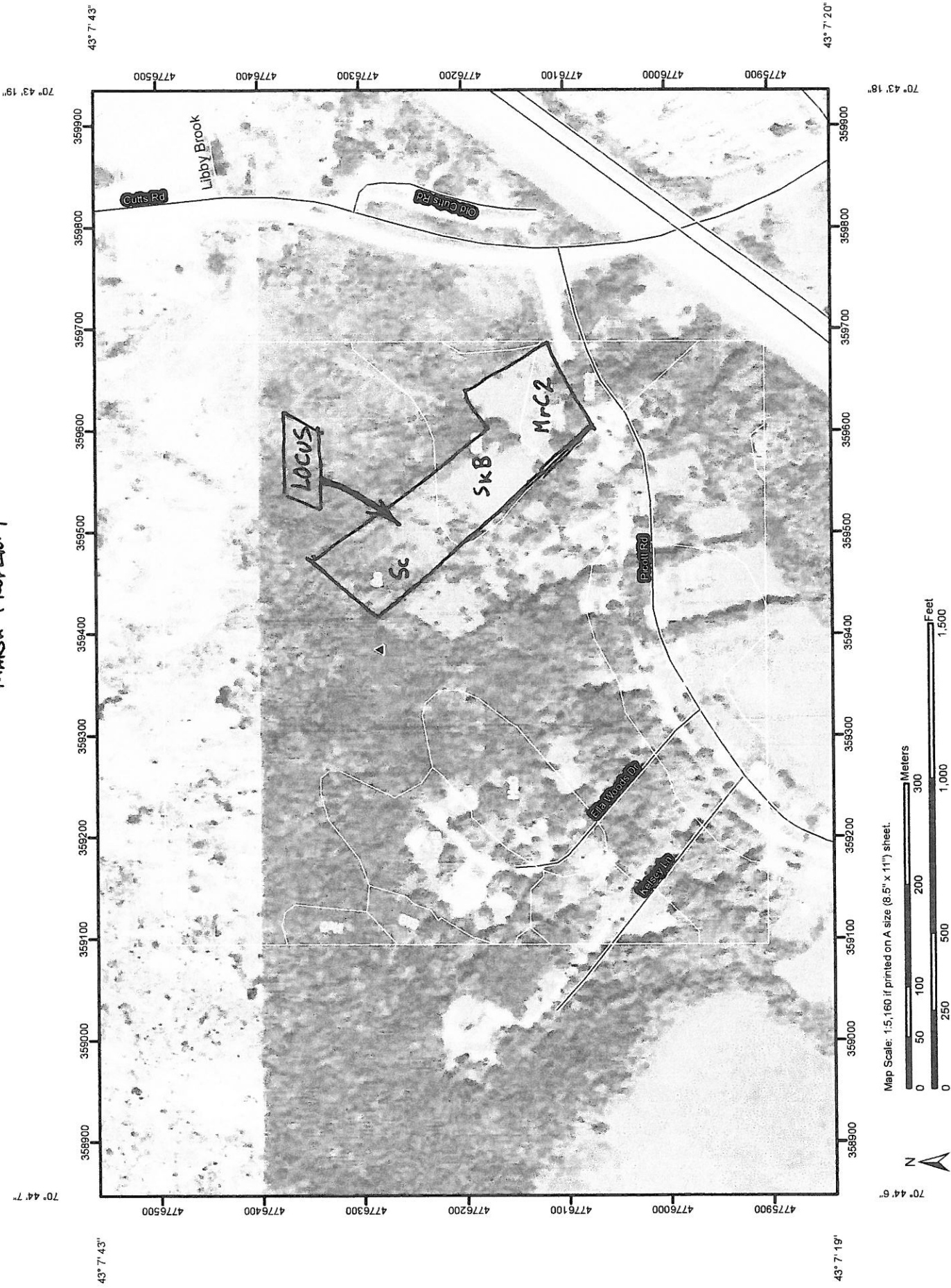
THOMAS F. TORR, Notary Public
My Commission Expires December 3, 2013

Seal

END OF DOCUMENT

Cochecho Elder Law Associates, PLLC
45 Silver Street
Dover, NH 03820

Soil Map—York County, Maine
MARSH PROPERTY



MAP LEGEND

Area of Interest (AOI)	
	Area of Interest (AOI)
Soils	
	Soil Map Units
Special Point Features	
	Blowout
	Borrow Pit
	Clay Spot
	Closed Depression
	Gravel Pit
	Gravelly Spot
	Landfill
	Lava Flow
	Marsh or swamp
	Mine or Quarry
	Miscellaneous Water
	Perennial Water
	Rock Outcrop
	Saline Spot
	Sandy Spot
	Severely Eroded Spot
	Sinkhole
	Slide or Slip
	Sodic Spot
	Spoil Area
	Stony Spot
Special Line Features	
	Gully
	Short Steep Slope
	Other
Political Features	
	Cities
Water Features	
	Streams and Canals
Transportation	
	Rails
	Interstate Highways
	US Routes
	Major Roads
	Local Roads
	Very Stony Spot
	Wet Spot
	Other

MAP INFORMATION

Map Scale: 1:5,160 if printed on A size (8.5" x 11") sheet.
The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.
Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 19N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: York County, Maine
Survey Area Data: Version 11, Jan 7, 2009

Date(s) aerial images were photographed: 8/24/2003; 5/12/1998

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

York County, Maine (ME031)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BuB	Buxton silt loam, 3 to 8 percent slopes	2.4	2.7%
HeB	Hermon fine sandy loam, 3 to 8 percent slopes	5.1	5.8%
HeC	Hermon fine sandy loam, 8 to 15 percent slopes	5.1	5.9%
LnB	Lyman fine sandy loam, 3 to 8 percent slopes	9.1	10.5%
MrC2	Marlow fine sandy loam, 8 to 15 percent slopes, eroded	2.9	3.4%
Sc	Scantic silt loam	56.3	65.0%
SkB	Skerry fine sandy loam, 0 to 8 percent slopes	5.7	6.6%
Totals for Area of Interest		86.6	100.0%

File No. 6703
February 16, 2016

**DRAINAGE ANALYSIS
PRIVATE RIGHT OF WAY APPLICATION
for Graystone Builders
Kittery, Maine**

Project Description:

The subject site is a 6.1934 acre parcel of land on Picott Road in the Town of Kittery. Herbert and Carolyn Marsh have resided on the property for over 5 years and would like to divide off two new lots which will be conveyed to Graystone Builders. As the lot does not have sufficient road frontage to do this, they would like to construct a private way to create the necessary frontage. The entrance location was sited to create more than adequate site distances and all of the Town's dimensional requirements for a private way are met as shown on the attached plans.

Existing Site Conditions:

The site is currently almost entirely open field except for the wetland at the rear of the site. A wetlands delineation was completed on site by Kenneth Gardner, C.S.S. #61. The contours slope gently down away from Picott Road draining stormwater towards the large wetland at the rear of the parcel. Based on the SCS soil mapping the wetland is in Scantic silty loam soils and area where the road and house sites will be located is on Marlow and Skerry fine sandy loam. There is limited contour information for the site with the Town GIS mapping showing only a 40 elevation contour line crossing the site in a couple of areas indicating the site is relatively flat in the east -west with the direction of flow of stormwater flowing northerly across moderately sloping land to the large wetland.

Proposed Drainage:

The proposed road will be constructed entirely in the field and except for one tree at the intersection with Picott Road, no trees will need to be cut. The proposed road will not require any wetland crossings or fill. The existing drainage pattern will be maintained with a uniform flow across the moderately sloping land to the wetland without disturbing any abutting parcels. There will be undisturbed buffer areas at the lower edge of the house lots which will help maintain the water quality going into the wetlands. With the addition of a gravel road and the large house sites there should be no measurable impact to any downstream properties.

File No. 6703
February 12, 2016

TRAFFIC ANALYSIS

for

GRAYSTONE BUILDERS PROPOSED PRIVATE WAY Kittery, Maine

The Town of Kittery Zoning Regulations requires an assessment of traffic impact for a proposed development and requires a study be completed by a professional traffic engineer if the project is projected to generate more than 400 vehicle trips per day.

This project when completed will have 3 single family residential lots constructed on a newly built private road. The Institute of Traffic Engineers (ITE) Trip Generation Report lists the mean rate for this use at 9.73 vehicle trips per day (to & from) for average daily traffic (ADT). This would result in our project generating 29.19 trips per day, well under the 400 trip threshold which would require a full traffic study. This use also generates a peak hour trip generation of 1.00 per dwelling unit or 2.00 peak hour trips for this project. Chapter 16.8.4.3 of the Town Zoning Ordinance classifies the road construction requirements by its function and use frequency. Based on these requirements a road constructed to the Private Way (Class I Private Street) standards would be sufficient for this volume. This would allow an ADT count of up to 12 to 35 trip ends per day or a maximum of three lots accessing the road, which fits our proposed use. The proposed private way will be constructed as an 18 foot wide gravel road 400 feet long and meets all of the town standards for a Class I Private Street.

February 12, 2016
File No. 6703

Regarding the Graystone Builders Private Right of Way application on Picott Road we would like to request the following waivers:

Section 16.8.2 (Monuments) to allow the road monuments to be iron pipes instead of stone monuments as this will be a short private road with only two houses. Iron pipes would be adequate and more cost effective boundary markers for the size of the project. (This was previously acceptable as per Town Engineer's memo on a similar sized project in 2012)

Section 16.10.5.2.C.6 (YCSCS Review) to allow the Town Engineer, Staff and Planning Board review of the erosion control plans submitted to be sufficient for the size of the project and not require review by the York County Soil and Water Conservation District. (This was previously acceptable as per Town Engineer's memo on a similar sized project in 2012).

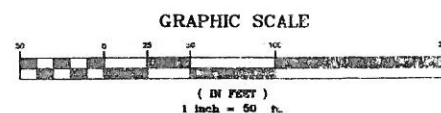
Section 16.10.5.2.C.7 (Surface Drainage) to allow the Drainage Report submitted to be sufficient for the size of the project not require a complex stormwater management plan as there are only two new houses and a gravel driveway on 16.228 acre parcel (This was previously acceptable as per Town Engineer's memo on a similar sized project in 2012).

LINE	BEARING	DIST.
L1	N 41°33'40" W	7.37
L2	N 17°37'22" W	16.88
L3	N 04°29'45" E	17.30
L4	N 20°38'19" W	30.42
L5	N 34°34'11" W	21.25
L6	S 19°02'51" E	31.37
L7	N 88°58'01" E	44.02

LEGEND
 ○ UTILITY POLE
 ● 3/4" IRON PIPE TO BE SET

MAP/LOT NO.	ABUTTER	DEED BK./PG.	ADDRESS
49-05	Trevor J. & Lori A. Thayer	4975/71	83 Picott Road Kittery, ME 03904
49-05A	Beverly J. Casoni	15326/718	87 Picott Road Kittery, ME 03904
49-05B	David A. & Linda E. Ayer	10190/330	400 Brigham Road Ellis, ME
49-06	James K. Ayer	6807/342	86 Picott Road Kittery, ME 03904
49-07	Marsh Family Revocable Trust	15839/12	93 Picott Road Kittery, ME 03904
60-2	Jodie L. & James R. Nielsen	12855/135	10 Ellis Woods Drive Kittery, ME 03904
60-3	Heirs of Joseph Kosowski	13495/284	25 Cuts Road Kittery, ME 03904

STATE OF MAINE
 YORK, SS. REGISTRY OF DEEDS
 RECEIVED _____
 AT _____ H _____ M _____ J. AND
 Filed in Plon Book _____ Page _____
 ATTEST _____
 REGISTER



Approved by the Planning Board of
 KITTERY, MAINE

CHAIR	DATE

Approval is for Class 1 private road only.

CERTIFICATION:
 This survey conforms to the Maine Board of Licensure for
 Professional Land Surveyors Chapter 90 Standards of
 Practice, effective April 1, 2001 except as noted on this plan.

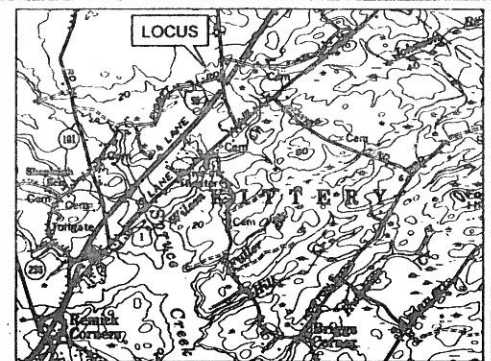
	ANDERSON LIVINGSTON ENGINEERS, INC. 281 York Street York, ME 03909 (207) 363-4414
	Scale: 1 in = 40 ft. Date: January 25, 2016 REVISIONS:
	OWNER: Marsh Family Revocable Trust 93 Picott Road Kittery, ME 03904

TAX MAP 49, LOT 7

- NOTES:
- The boundaries as delineated are the opinion of this surveyor and are based on record information and physical evidence. This plan does not purport title or ownership.
 - Field measurements for this survey were made using a Leica total station with electronic data collection. The relative precision of the unadjusted control traverse is better than 1 in 15,000.
 - The existence or non-existence, depth, size, and location of underground utility lines, tanks, and structures was not verified by this survey. Any locations and sizes shown are approximate. Exact location should be further investigated before any excavation takes place on this lot.
 - All iron pipes marked "set" or "recov." are identified with yellow caps stamped "Anderson PLS 1197".
 - Tract zone: Residential - Rural (R-RL). Dimensional requirements at the time of approval:
 Minimum lot size: 40,000 sq. ft.
 Lot frontage: 150 feet
 Front setback: 40 feet
 Side and rear setback: 20 feet
 Maximum building coverage: 15%
 - Most of the site is open field. There are no flood zones or shoreland zones currently mapped on the parcel.
 - Wetlands shown on this plan were delineated by Kenneth Gardner CSS #61, and field located by Anderson-Livingston Engineers, Inc. in December 2015.

PLAN OF PROPOSED
 PRIVATE RIGHT OF WAY
 FOR
GRAYSTONE BUILDERS, INC.
 93 PICOTT ROAD
 KITTERY, MAINE

- REFERENCE PLANS:
- Subdivision of Land for Glendon C. Ayer; by Seaconst Engineering Associates, Inc.; dated August 12, 1987; recorded Y.C.R.D. Plan Book 160, page 34.
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